

**MINUTES OF THE
LEGISLATIVE MANAGEMENT COMMITTEE**

June 19, 2001 – 3:00 p.m. – Room 303 State Capitol

Members Present:

President Al Mansell, Chair
Speaker Martin R. Stephens, Vice-chair
Sen. Ron Allen
Sen. Gene Davis
Sen. Mike Dmitrich
Sen. Peter C. Knudson
Sen. L. Steven Poulton
Sen. John L. Valentine
Rep. Patrice M. Arent
Rep. Brad King
Rep. Jackie Biskupski
Rep. Greg J. Curtis
Rep. Kevin S. Garn

Members Excused:

Sen. Pete Suazo

Members Absent:

Rep. Ralph Becker
Rep. David Ure

Staff Present:

Mr. Michael E. Christensen,
Director
Ms. M. Gay Taylor,
General Counsel
Ms. Beverlee LeCheminant,
Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel

1. Call to Order

Chair Mansell called the meeting to order at 3:20 p.m.

2. Committee Business - Approval of the April 17, 2001 Minutes

MOTION: Rep. King moved to approve the minutes of the April 17, 2001 meeting. The motion passed unanimously. Speaker Stephens, Rep. Biskupski, and Rep. Curtis were absent for the vote.

3. Update of State Litigation

Mr. Ray Hintze, Civil Division, Office of the Attorney General, gave an update on the paycheck protection litigation. He noted that the Utah Education Association and the Utah Public Employees Association cases have been consolidated and that the firm of Ray, Quinney, & Nebeker has been employed to assist the state in this litigation. He told the committee that the state's answer has been filed and that the case is moving forward as planned.

Mr. Hintze said with regards to the census lawsuit, a motion has been filed for summary judgment in the case challenging the domestic practice of imputation, and according to the scheduling order that was agreed upon, the Department of Justice has 20 days to respond to the motion. Mr. Hintze pointed out that a notice of appeal to the Supreme Court has been filed on the first census case and that the Attorney General's Office will try to link the two cases again before they go to the U.S. Supreme Court.

Mr. Hintze reported on the David C. case, which involves the Division of Family Services and a settlement that was made in the early 90's. This case has been pending for some time and the Attorney General's Office filed a petition for certiorai with the U.S. Supreme Court on June 1.

Rep. Arent asked Mr. Hintze if he could provide her with information listing the number of law firms the state has hired as outside counsel and the contractual amounts involved. Mr. Hintze said he would do that.

4. Voting Records on Internet

Mr. Mark Allred, Office of Legislative Research and General Counsel, reviewed a handout and provided a computer presentation regarding providing additional legislative voting information on the Internet. He indicated that he did an analysis of the data that is available to determine how to link that data into the votes by legislators and he presented three options for the committee to consider. Mr. Allred stated that Option 1 would link votes to the bill status; Option 2 would list the latest votes; and Option 3 would be a combination of Options 1 and 2.

MOTION: Sen. Valentine moved that the committee approve Option 1 and authorize staff to move forward in implementing that option. The motion passed unanimously with Rep. Biskupski absent for the vote.

Sen. Mansell noted he had a letter from Sen. Suazo stating his support of the proposal to increase access to the voting records.

5. Broadcasting the Legislative Session

Mr. Michael E. Christensen reported that this item was requested by Rep. Becker and he has since indicated that he does not have all the information that is needed to discuss the possibility of broadcasting the legislative session and would like to postpone this item for consideration by the Legislative Management Committee at a later date.

President Mansell relinquished the chair to Speaker Stephens.

6. Use of Committee Rooms

Ms. Linda Johnson, receptionist for the House of Representatives, reviewed a handout which listed some of her concerns regarding the scheduling of committee rooms during the legislative session and on interim days. She indicated that she needs some more detailed guidelines on whether she can or cannot schedule committee rooms on interim days and during the legislative sessions and whether food should be allowed in these rooms.

MOTION: Sen. Davis moved that the Speaker and the President create a subcommittee

to study the room scheduling issues.

SUBSTITUTE MOTION: Sen. Allen moved that the Speaker and the President be the committee to resolve the room scheduling issues. The motion passed with Speaker Stephens voting in the negative. Sen. Mansell, Rep. Biskupski, and Rep. Curtis were absent for the vote.

7. Sunset Review Assignment

Ms. Gay Taylor noted that she made a recommendation in the April Legislative Management Committee meeting regarding interim committee review of legislation under the Sunset Act, and one of those recommendations was that Section 53A-3-602, which is the School District Performance Report, be given to the Law Enforcement and Criminal Justice Interim Committee to study. She indicated that this assignment was in error because this is an education issue. She asked that the committee reassign this section to the Education Interim Committee.

MOTION: Rep. Arent moved to reassign the sunset of Section 53A-3-602 to the Education Interim Committee. The motion passed unanimously. President Mansell, Rep. Biskupski, and Rep. Curtis were absent for the vote.

8. Letter from Salt Lake County District Attorney

Mr. Christensen reviewed a letter from the Salt Lake County District Attorney's Office notifying the legislature of an issue in South Salt Lake County where a residential development in Draper City has crossed over into Utah County with county lines going through the subdivision and properties as well. Mr. Christensen indicated that this issue could be a topic for either the Political Subdivisions or the Government Operations Interim Committee. He stated that he has met with the Utah Association of Counties (UAC) and that UAC has formed a committee to address this issue. That committee would like to make a presentation to an interim committee as to what possible solutions there are regarding this issue.

MOTION: Sen. Davis moved to assign this issue to the Political Subdivisions Interim Committee, to give them the authority to create a subcommittee to hold up to three meetings, and have them report back to the Legislative Management Committee before the end of the year.

Sen. Valentine declared a conflict of interest because his law firm represents parties involved in this issue.

The motion passed with President Stephens voting in the negative. President Mansell, Rep. Biskupski, and Rep. Curtis were absent for the vote.

After some intervening business from Item #9, the committee made the following motions:

MOTION: Sen. Valentine moved that the committee reconsider its action on the motion giving the Political Subdivisions Interim Committee the authority to create a subcommittee which would meet up to three times to discuss the county boundary line issue. The motion passed unanimously. President Mansell, Rep. Biskupski, and Rep. Curtis were absent for the vote.

MOTION: Sen. Valentine then moved to refer the county boundary line issue to the Political Subdivisions Interim Committee without preauthorizing the creation of a subcommittee. The motion passed unanimously. President Mansell, Rep. Biskupski, and Rep. Curtis were absent for the vote.

9. Approval of Subcommittee Request

Mr. Christensen noted that the Political Subdivisions Interim Committee has requested that Legislative Management Committee approve the creation of a subcommittee to continue the special district recodification work they have been working on over the past few years. Speaker Stephens indicated that the committee is requesting permission to hold four subcommittee meetings with per diem for five members.

MOTION: Sen. Davis moved to approve the request for the subcommittee to hold four additional meetings with five members participating in the meetings. The motion failed with Sen. Valentine, Sen. Knudson and Rep. Garn voting in the negative. President Mansell, Rep. Biskupski, and Rep. Curtis were absent for the vote.

After some intervening business from Item #10, the committee made the following motions:

MOTION: Rep. Garn moved that the committee reconsider its action on the Political Subdivision Interim Committee request. The motion passed unanimously. President Mansell, Rep. Biskupski, and Rep. Curtis were absent for the vote.

MOTION: Rep. Garn moved to approve the Political Subdivisions Interim Committee's request to create a subcommittee to continue the special district recodification, and that the committee look for opportunities to hold the special service districts more accountable to taxpayers. The motion passed unanimously. President Mansell, Rep. Biskupski, and Rep. Curtis were absent for the vote.

10. Study Items Request

Mr. Christensen noted that the Law Enforcement and Criminal Justice Interim Committee is requesting approval to study three additional issues during the interim. He indicated that Item 117, Police and Fire Consolidation, and Item 121, Uniform Law Enforcement Database, are from the Master Study Resolution and that the other item is "incremental sentencing."

MOTION: Rep. Arent moved to add Items 117, 121, and "incremental sentencing" to the Law Enforcement and Criminal Justice Interim Committee's study list.

SUBSTITUTE MOTION: Sen. Dmitrich moved to give permission for the Law Enforcement and Criminal Justice Interim Committee to study Items 117 and 121 on the Master Study Resolution, but not "incremental sentencing." The motion passed unanimously. President Mansell, Rep. Biskupski, and Rep. Curtis were absent for the vote.

Mr. Christensen reviewed a letter from the Natural Resources Appropriations and Interim Committee chairs requesting permission for both committees to go on a two day trip in August and September. Mr. Christensen reminded the committee that this request was not approved at the April Legislative Management Committee meeting and the chairs have asked for a reconsideration of this request.

MOTION: Rep. Garn moved to deny the request for the Natural Resources Interim Committee to accompany the Natural Resources Appropriations Subcommittee for travel and joint meetings and to move to the next agenda item. The motion passed unanimously. President Mansell, Sen. Valentine, Rep. Biskupski, and Rep. Curtis were absent for the vote.

11. Risk Management Coverage of *Pro Se* Lawsuit

Ms. Gay Taylor noted that this item is a request for the Legislative Management Committee to ask Risk Management for coverage on the *pro se* lawsuit in which the legislature has been named as a defendant. Ms. Taylor indicated that a statute is in place which says that when the legislature is sued, the Legislative Management Committee can make a decision about whether to refer the defense of a matter to the Office of the Attorney General unless the committee determines that there might be a conflict of interest or separation of power problems in making this referral. Then, the legislature's General Counsel can separately represent the legislature. Ms. Taylor said that the case began in 1990 against First Security Bank and Zions First National Bank and that it was essentially settled with Zions in 1995, but that First Security was still in it. The case was dormant for three years, and then the person who is representing himself in the lawsuit decided to amend his complaint to add in the legislature, the State Tax Commission, and the state of Utah.

MOTION: Rep. Arent moved to allow the Office of the Attorney General to represent the legislature in this case. The motion passed unanimously. President Mansell, Sen. Valentine, Rep. Biskupski, and Rep. Curtis were absent for the vote.

12. Other Business

a. **MOTION:** Sen. Knudson moved to assign the Transportation Interim Committee to hear a report from West Valley City and Salt Lake City on their success in the decriminalization of traffic violations by using administrative law judges to deal with those traffic offenses. The motion passed unanimously. President Mansell, Sen. Valentine, Rep. Biskupski, and Rep. Curtis were absent for the vote.

b. Mr. Christensen. reviewed a handout which highlighted the times of the June interim meetings and the Special Session.

President Mansell resumed chairmanship of the meeting.

13. Adjournment

MOTION: Speaker Stephens moved to adjourn the meeting at 4:20 p.m. The motion passed unanimously with Sen. Valentine absent for the vote.